

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Angela Nails,

Plaintiff,

v.

Privacy Office V.A. Charleston, S.C.;
and Social Worker – Loyd, V.A.,
Defendants.

Case No. 2:24-cv-06405-RMG

ORDER

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge, recommending this action be summarily dismissed without prejudice, without service of process, or leave to amend. (Dkt. No. 18). The Magistrate Judge advised Plaintiff she had 14 days to file written objections to the R & R and a failure to file written objections would result in clear error review and a waiver of the right to appeal the district court’s order. *Id.* at 10. Plaintiff filed no objections to the R & R. For the reasons set forth below, the Court adopts the R&R as the Order of the Court and dismisses Plaintiff’s claims without prejudice, without issuance and service of process, and without leave to amend.

I. Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C.

§ 636(b)(1). In the absence of specific objections, the Court reviews the Report for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

II. Discussion

Plaintiff, proceeding pro se and in forma pauperis, brings this civil action alleging claims under the Privacy Act of 1974 and the Federal Tort Claims Act stemming from an alleged incident while being treated by the Department of Veterans Affairs. (Dkt. No. 20 at 1-3). The Magistrate Judge ably summarized the factual and legal issues involved and concluded that Plaintiff's claims were either frivolous or not actionable under either the Privacy Act or the Federal Tort Claims Act. The Magistrate Judge recommended the summary dismissal of this action for failure to state a claim upon which relief could be granted.

The Court finds that the Magistrate Judge ably summarized the factual and legal issues involved in the R & R and correctly concluded that Plaintiff's suit should be summarily dismissed without service of process or leave to amend.

III. Conclusion

In light of the foregoing, the Court **ADOPTS** the Report and Recommendation (Dkt. No. 18) as the Order of the Court and **DISMISSES** Plaintiff's complaint without prejudice, without leave to amend, and without issuance and service of process.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

August 7, 2025
Charleston, South Carolina